

COMMITTEE ON LAND USE
(Standing Committee of Berkeley County Council)

Chairman: Mr. Phillip Farley, Council Member District No. 1

A meeting of the **COMMITTEE ON LAND USE**, Standing Committee of Berkeley County Council, was held on **Monday, March 14, 2011**, in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina, at 6:12 pm.

MEMBERS: Chairman Phillip Farley, Council District No. 1; Committee Member Cathy S. Davis, Council District No. 4; Committee Member Jack H. Schurlknight, Council District No. 6; Committee Member Steve C. Davis, Council District No. 8. Supervisor Daniel W. Davis; Ms. Nicole Ewing, County Attorney and Ms. Barbara B. Austin, Clerk of County Council. Committee Member Caldwell Pinckney, Jr., Council District No. 7 was excused.

ALSO PRESENT: Council Member Robert O. Call, District No. 3, ex officio.

Mr. Timothy J. Callanan, District No. 2, ex officio and Mr. Dennis Fish, District No. 5, ex officio were not present.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

Chairman Farley: Good evening, ladies and gentlemen. At this time, I'd like to call the Land Use Committee to order. I'd like to ask Mr. Danny Thrower to lead us in the Invocation and may we all stand and repeat the Pledge of Allegiance to the Flag of the United States of America."

Chairman Farley: "Next on the agenda is the approval of minutes from the February 14, 2011 meeting."

Committee Member S. Davis: "Move for approval"

Committee Member Call: "Second"

Chairman Farley: "We have a motion and a second. Are there any corrections? (No Response) All in favor please say Aye? (Ayes) All opposed Nay? (No Response) Minutes stand approved as presented."

It was moved by Committee Member S. Davis and seconded by Committee Member Call to **approve** the minutes as presented. The motion passed by unanimous voice vote of the Committee.

Chairman Farley: "At this time, I would like to take and make a presentation to our Library Director, Ms. Donna Osborne. If you could come forward please? Ms. Osborne, it is my pleasure to present to you for your Children's Collection this book entitled "When my Grandma

Sings, written by Robena Egemonye and illustrated by Berkeley County's own Judith K. Spooner. Judi has taught schools for over 30 years and now lives in Raleigh, North Carolina and teaches art in a Christian school in the city of Raleigh. Judi served on Berkeley County Council for 26 years and 1 month, which makes her the longest serving Council member ever. She served as Vice Chairman of Council many times and chaired all of the committees. She was a true representative of the citizens of the County and it is our loss and Raleigh's gain when she moved. Thank you very much."

PRESENTATION TO LIBRARY DIRECTOR MS. DONNA OSBORNE: RE: CHILDREN'S BOOK ILLUSTRATED BY FORMER COUNCIL MEMBER JUDI K. SPOONER.

A. Consideration prior to First Reading of an ordinance to amend certain sections of **Ordinance No. 01-8-35**, the Berkeley County Zoning and Development Standards Ordinance, as amended, to provide for the **regulation and duration of non-conforming uses** in the various zoning districts.

[Staff recommended approval]

[Planning Commission recommended approval]

Chairman Farley: "Eric?"

Mr. Eric Greenway, Zoning Administrator: "Thank you, Mr. Chairman. The ordinance that you all have before you is something that we have been having an issue with for some time in the Zoning Department. It is creating an issue with the Board of Zoning Appeals and also for the staff. Currently in our zoning regulations, whenever you have a grandfathered or illegal non-conforming use, I use those terms interchangeably so if you hear me say one then I am talking about both. The illegal non-conforming uses section of our code right now, says that no grandfathered use may be enlarged structurally or added to or changed in the code. Well, if you look at that picture on the left right there down at the bottom, that is a brick house that you can see a mobile home sitting behind there. The folks wanted to do a kitchen addition onto that house. In our current regulations, because there are two dwellings on the property and the zoning district doesn't allow the two dwellings, they would be unable to do that addition to improve their home. In order to deal with those, we have sent those either to the Board of Zoning Appeals. In that particular case the folks had to go for a density variance to deal with the two homes on the same lot to get rid of the grandfathered issue in order for us to issue a permit to add that kitchen onto that home. The picture on the right there was the salvage yard that you all dealt with a few months ago out on Royle Road. If you recall, the gentleman wanted to add on to that building there to do a parts house, parts area to store parts and things in. Because of that same provision, we ended up rezoning that property to a light industrial zoning district, which was not the best situation for that particular road, in order to accommodate that. So what we are proposing this evening is to change the zoning regulations to allow a provision that would allow these types of businesses, if they are grandfathered, to do a 25% addition to the square footage of the building in these areas. That would keep the grandfather status in tact so if that business ever goes out of business and it is grandfathered and it's not replaced within six months, then some

compliant use could be placed on that property. We think this a much preferable way of dealing with these situations that requiring people to get variances because most of the variances granted for the density, then that home can always have two or three dwellings, whatever happened to be on there. If it gets rezoned, you've always got that zoning classification there throughout the history of the property. That is all that I have unless you all have any questions."

Chairman Farley: "The Planning Commission was in favor of this? Is that correct?"

Mr. Greenway: "That is correct. They recommended approval as well."

Committee Member S. Davis: "(Inaudible)...25%?"

Mr. Greenway: "That is what you would typically see with non-conforming uses. Some zoning ordinances do like ours is doing right now and just say that you can't expand on them at all because of the potential issues that it creates. Most of them limit the size of the expansion and 25% of the square footage is the typical that you see in those ordinances that allow for expansions of grandfathered uses."

Committee Member S. Davis: "So it don't overly affect the 25%?"

Mr. Greenway: "That is correct. You wouldn't want to be able to double the size of their structure, you know. A 25% addition is, you know, something that is going to be a change, but not significant enough to overbuild a lot or something like that."

Committee Member S. Davis: "And this will cut out the use for citizens to get a variance from another board...."

Mr. Greenway: "We've got a lot of folks out there, through no fault of their own, zoning is still relatively new in this county and many lots out there have multiple dwellings on the property and it is not zoned for those things. So we have to hold people up a month or two before we can issue those permits for additions and finally get the variances. Like I say, once that density variance is granted, it carries with the property forever so there is no chance once they grant the variance that you would ever get rid of those other homes on the property."

Committee Member S. Davis: "I move for approval"

Committee Member Schurlknight: (Inaudible)

Chairman Farley: "I have a motion and a second. All in favor please say Aye? (Ayes) All opposed Nay? (No Response) Motion moves forward."

It was moved by Committee Member S. Davis and seconded by Committee Member Schurlknight to **approve** prior to **First Reading** of an **ordinance** to amend certain sections of **Ordinance No. 01-8-35**, the Berkeley County Zoning and Development Standards Ordinance, as

amended, to provide for the **regulation and duration of non-conforming uses** in the various zoning districts. The motion passed by unanimous voice vote of the Committee.

B. Review prior to Second Reading of the following:

1. Bill No. 11-01, an ordinance to amend certain sections of Ordinance No. 01-8-35, the Berkeley County Zoning and Development Standards Ordinance, as amended, **to provide for the regulation of building and structure height** within the residential, rural, commercial and industrial zoning districts.

Committee Member Schurlknight: "Move for approval"

Committee Member S. Davis: "Second"

Chairman Farley: "I have a motion and a second. Any discussion? (No Response) This is in the height, going up?"

Mr. Greenway: "That is correct"

Chairman Farley: "All in favor please say Aye? (Ayes) All opposed Nay? (No Response) Motion carries."

It was moved by Committee Member Schurlknight and seconded by Committee Member S. Davis to **approve** prior to **Second Reading, Bill No. 11-01**. The motion passed by unanimous voice vote of the Committee.

2. Bill No. 11-02, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: William D. Farrior, IV, located adjacent to 4758 Highway 41, Huger, TMS# 202-00-00-011 (0.92 +/- acres), F-1, Agricultural District to RNC, Rural and Neighborhood Commercial. Council District No. 8.

Committee Member S. Davis: "Move for approval"

Committee Member Schurlknight: "Second"

Chairman Farley: "I have a motion and a second. All in favor? (Ayes) All opposed Nay? (No Response) Motion carries."

It was moved by Committee Member S. Davis and seconded by Committee Member Schurlknight to **approve** prior to **Second Reading, Bill No. 11-02**. The motion passed by unanimous voice vote of the Committee.

Chairman Farley: "Entertain a motion to adjourn"

Committee Member S. Davis: "I so move"

Committee Member Schurlknight: "Second"

It was moved by Committee Member S. Davis and seconded by Committee Member Schurlknight to **adjourn** the Committee on Land Use meeting. The motion passed by unanimous voice vote of the Committee.

The meeting ended at 6:22 pm.

April 11, 2011
Date Approved

COMMITTEE ON LAND USE
(Standing Committee of Berkeley County Council)

Chairman: Mr. Phillip Farley, District No. 1

Members: Mrs. Cathy S. Davis, District No. 4
Mr. Jack H. Schurlknight, District No. 6
Mr. Caldwell Pinckney, Jr., District No. 7
Mr. Steve C. Davis, District No. 8

Mr. Timothy J. Callanan, District No. 2, ex officio
Mr. Robert O. Call, District No. 3, ex officio
Mr. Dennis Fish, District No. 5, ex officio
Mr. Daniel W. Davis, Supervisor, ex officio

A **meeting** of the **COMMITTEE ON LAND USE**, Standing Committee of Berkeley County Council, will be held on **Monday March 14, 2011**, at **6:00 p.m.**, in the Assembly Room, Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina.

AGENDA

INVOCATION

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

APPROVAL OF MINUTES

February 14, 2011

PRESENTATION TO LIBRARY DIRECTOR MS. DONNA OSBORNE: RE: CHILDREN'S BOOK ILLUSTRATED BY FORMER COUNCIL MEMBER JUDI K. SPOONER.

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[Staff recommended approval]

[Planning Commission recommended approval]

B. Review prior to **Second Reading** of the following:

1. Bill No. 11-01, an **ordinance** to **amend** certain sections of Ordinance No. 01-8-35, the Berkeley County Zoning and Development Standards Ordinance, as amended, **to provide for the regulation of building and structure height** within the residential, rural, commercial and industrial zoning districts.

2. Bill No. 11-02, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **William D. Farrior, IV**, located adjacent to 4758

Highway 41, Huger, TMS# **202-00-00-011** (0.92 +/- acres), **F-1, Agricultural District to RNC, Rural and Neighborhood Commercial.** Council District No. 8.

March 9, 2011
S/Barbara B. Austin, CCC
Clerk of County Council